

8

## UNITED STATES DISTRICT COURT

for the

District of \_\_\_\_\_

RICKY LYNN JONES JR

Case:4:23-cv-11572

Judge: Behm, F. Kay

MJ: Altman, Kimberly G.

Filed: 06-30-2023 At 10:15 AM

CMP Jones, Jr. v. Dettelbach (jo)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

STEVEN DETTELBACH

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

### NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	RICKY LYNN JONES JR		
Address	1409 SUNTERRACE DR		
	FLINT	MI	48532
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	GENESSEE		
Telephone Number			
E-Mail Address	ALFLUKER13@GMAIL.COM		

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

## Defendant No. 1

Name	STEVEN DETTELBACH		
Job or Title <i>(if known)</i>	DIRECTOR OF ATF		
Address	99 NEW YORK AVE NE		
	WASHINGTON	DC	20226
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			
E-Mail Address <i>(if known)</i>			

☐ Individual capacity ☒ Official capacity

## Defendant No. 2

Name			
Job or Title <i>(if known)</i>			
Address			
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			
E-Mail Address <i>(if known)</i>			

☐ Individual capacity ☐ Official capacity

## Defendant No. 3

Name \_\_\_\_\_

Job or Title *(if known)* \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

County \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-Mail Address *(if known)* \_\_\_\_\_☐

Individual capacity

☐

Official capacity

## Defendant No. 4

Name \_\_\_\_\_

Job or Title *(if known)* \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

County \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-Mail Address *(if known)* \_\_\_\_\_☐

Individual capacity

☐

Official capacity

**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

☒Federal officials (a *Bivens* claim)☐

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

SECOND AMENDMENT RIGHT TO BEAR ARMS

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- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

SECOND AMENDMENT RIGHT TO BEAR ARMS

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**III. Statement of Claim**

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

SEE ATTACHMENT FOR STATEMENT OF CLAIM

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- B. What date and approximate time did the events giving rise to your claim(s) occur?

SEE ATTACHMENT FOR STATEMENT OF CLAIM

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- C. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

SEE ATTACHMENT FOR STATEMENT OF CLAIM

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**IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

SEE ATTACHMENT FOR STATEMENT OF CLAIM

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**V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

SEE ATTACHMENT FOR STATEMENT OF CLAIM

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 06/26/2023

Signature of Plaintiff

Printed Name of Plaintiff

RICKY LYNN JONES JR

**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

### STATEMENT OF CLAIM

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In 2010, Plaintiff was charged with forgery of a judicial document to secure the release of plaintiff now spouse who was charged with a felony in the United States District Court for the Eastern District of Michigan. Plaintiff pled guilty to aiding and abetting escape from federal custody in violation of 18 U.S.C 7152. At that time, the offense was a felony under the federal law punishable by a maximum term of imprisonment of five years. Plaintiff was sentenced to two years of federal supervision with no incarceration. Plaintiff completed the two years of federal supervision, paid the fines, costs, and restitution in July 2012.

Since Plaintiff 2010 offense, Plaintiff has not been charged with, or convicted of, any additional criminal offenses. Plaintiff remains a law abiding citizen who has maintained consistent employment since the offense. Due to plaintiff offense, 18 U.S.C. 922(g)(1) prohibits plaintiff from possessing and owning a firearm for personal self-defense or hunting as applied to him.

Congress has deemed it "unlawful for any person... who has been convicted in any court, of a crime punishable by imprisonment for a term exceeding one year" from possessing or owning a firearm.

Plaintiff wants to purchase a firearm for personal self-defense and hunting which is a valid reason to keep and bear arms under the second amendment. Plaintiff offense is non-violent and a non-dangerous offense. The offense charged is not a serious crime that should disqualify plaintiff from owning a firearm for life as applied to him. Plaintiff offense nor any characteristics demonstrate that plaintiff potentially poses physical harm to others. The application of 922(g)(1) as applied to plaintiff violates plaintiff second amendment right to keep and bear arms and pre-established law precedent of New York Rifle & Pistol Ass'n, Inc v. Bruen, 142 S.Ct. 2111, 213 L.Ed.2d 387 (2022) and Range v. Lombardo, No: 21-2835 (3rd Cir June 6, 2023). Defendants application of 922 (g)(1) as applied to plaintiff violates plaintiff second amendment right to keep and bear arms while acting under the color of federal law.

Plaintiff seeks a declaratory judgement declaring that 922(g)(1) as applied to plaintiff is unconstitutional. Plaintiff also seeks a mandatory injunction enjoining defendants from enforcing 922(g)(1) as applied to plaintiff.

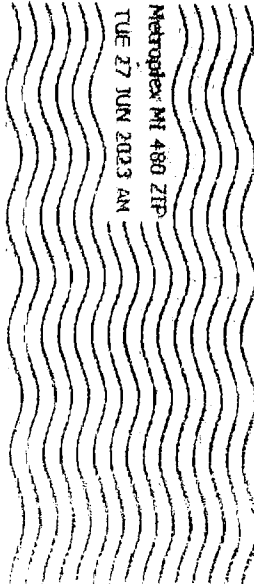
Ricky Jones  
3501 Dearborn Ave  
Flint MI 48907



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